

January 24, 2017

**SUBMITTED ELECTRONICALLY  
HARD COPY TO FOLLOW BY U.S. MAIL**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460  
(202) 566-1667

**Re: Freedom of Information Act Request for Records Related to Edward Scott Pruitt's  
Nomination to Serve as Administrator of the Environmental Protection Agency**

Dear National Freedom of Information Officer:

Environmental Defense Fund ("EDF") respectfully requests a copy of all records of the U.S. Environmental Protection Agency ("EPA" or the "Agency") related to:

- (1) evaluation of EPA Administrator nominee Edward Scott Pruitt's actual and apparent conflicts of interest, including all information provided to EPA by Mr. Pruitt or other parties, and all additional information relied on by the Agency and any others involved in evaluating existing or potential conflicts of interest, including apparent conflicts, pertaining to Mr. Pruitt;
- (2) development of the January 3, 2017 letter regarding steps to avoid actual or apparent conflicts of interest from Mr. Pruitt to Designated Agency Ethics Official Kevin Minoli, including all information provided to the Agency by Mr. Pruitt or other parties, and all additional information relied on by the Agency and any others involved in developing the letter;
- (3) to the extent not covered in the preceding paragraphs, the assessment of Mr. Pruitt's impartiality concerning matters that are, or may come, before the Agency, and all information relied upon by the Agency in evaluating Mr. Pruitt's impartiality concerning matters that are, or may come, before the Agency;
- (4) to the extent not covered in the preceding paragraphs, all communication or correspondence between the Agency and the U.S. Office of Government Ethics concerning any ethical matters related to Mr. Pruitt, including impartiality and conflicts of interest, including apparent conflicts; and
- (5) to the extent not covered in the preceding paragraphs, all communication or correspondence, prepared or transmitted between December 7, 2016 until such time as this request is addressed in full, between Mr. Pruitt and entities other than EPA, including members of the White House transition team.

EDF requests records as that term is defined at 5 U.S.C. § 552(f)(2), under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552—including but not limited to electronic and written communications, text messages, background materials, meeting invitations, and written notes.

If any of the information sought in this request is deemed by EPA to be properly withheld under a FOIA exemption, 5 U.S.C. § 552(b), please provide EDF with an explanation, for each such record or portion thereof, sufficient to identify the record and the particular exemption(s) claimed.

#### *Request for Expedited Processing*

EDF respectfully seeks expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E)(i) and 40 C.F.R. § 2.104(e)(ii). In support of this request, I certify that the following information is true and correct to the best of my knowledge and belief:

- (1) EDF engages in extensive, daily efforts to inform the public about matters involving environmental policy. For example, EDF has multiple channels for distributing information to the public, including through direct communication with its more than 2 million members, active engagement on social media, and frequent appearances by staff in major media outlets.
- (2) From information released by the Senate Environment and Public Works Committee (“EPW”), I am aware that EPW held Mr. Pruitt’s confirmation hearing on January 18, 2017.
- (3) From information in the Congressional Record, I am aware that the Senate has already confirmed some of the President’s Cabinet nominees.
- (4) Absent expedition, EPA would have 20 working days to respond to this request. 5 U.S.C. § 552(a)(6)(A)(i).
- (5) Based on the information above, the following events are likely to occur before the 20-day deadline for responding to this request: EPW’s recommendation on Mr. Pruitt’s nomination, and perhaps even the Senate’s vote on Mr. Pruitt’s confirmation.
- (6) EDF has promoted, and intends to continue promoting, public awareness and engagement throughout the consideration of Mr. Pruitt’s nomination. The requested records could meaningfully inform the public’s assessment of Mr. Pruitt’s suitability for the role of Administrator. The information in the requested records is of greatest public value if the public can review and act upon it before the Senate votes on Mr. Pruitt’s confirmation.

#### *Request for Fee Waiver*

As a non-partisan, non-profit organization that provides information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater

public understanding of the ethical review of a Cabinet-level official—an issue of considerable public interest. 5 U.S.C. § 552(a)(4)(A)(iii). EDF is well positioned to disseminate the records to the public, as we routinely issue press releases, action alerts, reports, analyses, and other public outreach materials. Accordingly, we respectfully request that the records be furnished without charge. *Id.*

For ease of administration and to conserve resources, we will accept records produced in a readily accessible electronic format. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3318 or by email at [blevitan@edf.org](mailto:blevitan@edf.org).

Respectfully submitted,

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